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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/272,331	03/19/1999	HIROKI ENDO	SON-1508	5505

7590 03/15/2007

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EXAMINER	
MISLEH, JUSTIN P	
ART UNIT	PAPER NUMBER
2622	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
1 MONTHS	03/15/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Response to Amendment

1. The reply filed on September 20, 2005 is not fully responsive to the prior Decision on Rehearing (mailed July 21, 2005) because of the following omission(s) or matter(s):

2. Applicant's amendment was filed within 60 days (2 months) of the Decision on Rehearing – the Decision has not become *final for judicial review* (see 37 CFR 1.198). Accordingly, Applicant is entitled to have such amendment entered as a matter of right. See MPEP §1214.01, paragraph I, and §1214.07.

3. According to MPEP §1214.01, paragraph I, and 37 CFR 41.50(b)(1), "an amendment is 'appropriate' under the rule if it amends one or more of the claims rejected ... to avoid the art or reasons adduced by the Board." Furthermore, "[prosecution] before the examiner of the 37 CFR *>41.50(b)< rejection can incidentally result in overcoming the affirmed rejection even though the affirmed rejection is not open to further prosecution ... [therefore], it is possible for the application to be allowed as a result of the limited prosecution before the examiner of the 37 CFR *> 41.50(b)< rejection."

4. In the Amendment, Applicant appears to amend independent Claims 1, 6, and 12 to conform to the Decision. In the Remarks section of the Amendment, Applicant merely states, "the claims have been amended in the manner suggested by the Decision on Rehearing ... Specifically, independent claims [1], 6, and 12 have been amended in accordance with the Decision on Rehearing."

5. While the Decision on Rehearing did not contain any explicit statement "how a claim on appeal may be amended to overcome a specific rejection" (37 CFR 41.50); the Board did recite, "Claim 3 requires that second and third color layers, each made of a dye containing positive

photoresist, be formed such that the third color overlaps both the second color and the substrate ... the combined teachings of Snow and Needham do not suggest modifying the yellow layer to be made from a dye containing photoresist ... we cannot sustain the rejection of claim 3 over Snow and Needham" (see page 5, 2nd full paragraph). Moreover, the Board additionally recited, "Claims 8 and 17 also recite second and third color layers, each of a dye containing photoresist ... [however], in claims 8 and 17 the second color overlaps the third color, and in claim 8 the second color is also in the same row as the third color ... Claims 8 and 17 do not recite that one of the two dye containing photoresist layers overlaps both the substrate and also the other dye containing photoresist layer ... Thus, the limitations of claims 8 and 17 differ from those of claim 3" (see paragraph spanning pages 5 and 6).

6. In accordance with MPEP §714.02 and 37 CFR 1.111, Applicant's amendment "must be complied with by pointing out the specific distinctions believed to render the claims patentable over the references in presenting arguments in support of new claims and amendments." The Examiner submits Applicant's remarks are not sufficient to satisfy the requirements of 37 CFR 1.111 by not pointing out features of the amended claim language that correspond to the distinctions made by the Board in pointing out novelty over Snow and Needham. Applicant should clearly indicate the relationship between amended independent Claims 1, 6, and 12 and dependent Claims 3, 8, and 17 and how the subject matter relied upon in the Board decision is now incorporated in each of the independent claims. Finally, Applicant should clearly indicate what features Applicant believes are patentable in view of the Board's Decision and why such features are patentable.

7. Since the above-mentioned reply appears to be *bona fide*, Applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Conclusion

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Justin P Misleh whose telephone number is 571.272.7313. The Examiner can normally be reached on Monday through Friday from 8:00 AM to 5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Vivek Srivastava can be reached on 571.272.7304. The fax phone number for the organization where this application or proceeding is assigned is 571.273.3000.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JPM
February 23, 2007

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